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Western District of Texas

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CLERK, US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY ________ DEPUTY

August 5, 2008

The Honorable Judge F. Montalvo
U.S. District Court
El Paso, TX. 79901

RE: Susan Jeanette Hylton
EP-07-CR-1291 FM (1)

Dear Hon. Judge F. Montalvo:

On July 3, 2008, I attempted to contact the County Attorney of Limestone County. I spoke to his office staff and was advised that the attorney I needed to speak to was Roy Defriend. I left a detailed message about what it was we were attempting to do. I was advised that Mr. Defriend would call me back. To this date, he has yet to do so. In my message, I also left a phone number of the AUSA on this case, Patricia Acosta. Shortly thereafter, Mr. Defriend called and spoke to Ms. Acosta. She verified that what we trying to do is find a solution to my client's pending cases in Groesbeck, Texas. From what I understand, Mr. Defriend expressed concern as various businesses in his county were owed a total of $943.99. I tried calling Mr. Defriend once again on July 29, 2008. I was told to fax over a letter advising Mr. Defriend what I was seeking to accomplish (see attached copy of letter I faxed on that date). I attempted to follow up that letter on August 3, 2008 hoping to leave, at the least, a message. There was no voice mail.

Subsequent to our conference of July 29, 2008, I conferred with Michael Gorman, who is a research and writing assistant at my office. He advised me in Texas, under Article 27.14, a plea of guilty or nolo contender in a misdemeanor case may be made either by the defendant or his counsel in open court; in such case, the defendant or his counsel may waive a jury, and the punishment may be assessed by the court either upon or without evidence, at the discretion of the court. Article 26.01 provides that "In all felony cases, after indictment, and all misdemeanor cases punishable by imprisonment, there shall be an arraignment."

On today's date, I faxed over to the Municipal Court in Carlsbad, New Mexico, Ms. Hylton's plea of nolo contendere to a charge of shoplifting. She entered her plea of not guilty on December 19, 2000. In my conversation with Judge Redford on July 28, 2008 (after uncountable attempts to contact that court), I was told that Ms. Hylton would have to enter a plea to her pending charges. Should this plea be accepted by the court, the only remaining cases Ms. Hylton would have, would be in Limestone County.

My client would like to thank you for your time, energy, and concern on this case.

Thank you very much.

Very truly yours,

HENRY J. BEMPORAD
Federal Public Defender

TYRONE T. MANSFIELD
Assistant Federal Public Defender

c.c. Ms. Patricia Acosta
File

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July 29, 2008

Roy DeFriend
Prosecutor of Limestone County
Fax: 254.729.5699

RE: U.S.A. v. Susan Jeanette Hylton (DOB: 6-21-77)

Dear Mr. DeFriend:

I represent Susan Hylton here in El Paso, Texas, on federal charges. She was set for sentencing on July 31, 2008, but this case will be reset in order to take care of her outstanding warrants. Her guideline range is **51 to 63 months**. In order for her to be eligible for important federal programs during her incarceration and during her supervised release, we are asking for your assistance in clearing her warrants out of your county. I would refer to docket numbers: 24828, 25708, and 25877. These charges are theft and theft by check charges.

I, of course, understand if you are unable to dismiss the cases outright. Alternatively, I am asking if there is anyway my client could plead guilty in absentia, at which point you could issue a restitution order, and any time assessed would run concurrently to her federal charges.

Please do not hesitate to contact me (915-534-6525) or the AUSA on this case, Patricia Acosta (915-534-6884) should you have any questions regarding this case.

Thank you for your time.

Very truly yours,

HENRY J. BEMPORAD
Federal Public Defender

TYRONE T. MANSFIELD
Assistant Federal Public Defender